

HONORABLE STEPHEN JOHNSON, CALENDAR FOR TUESDAY, JULY 28, 2015, AT 9:55 A.M.

Courtroom: 3099

Courtroom Deputy: Tanya Bracegirdle

Court Recorder:

Law Clerk: Laurent Chen

**SEE ATTACHED CHAPTER 13
UNCONTESTED/CONTESTED
CONFIRMATION**

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – July 28, 2015 at 9:55 a.m.

**With respect to the following cases, objections were filed and subsequently withdrawn;
therefore, the Court confirms the following cases:**

The following cases shall be **CONFIRMED**:

- | | |
|-----------------------------------------------|----------------|
| 1. JOSE SANDOVAL
14-5-2490 SLJ | ATTY – LUU |
| 2. JENNIFER NICHOLS
14-5-4451 SLJ | ATTY – KNOFF |
| 3. DANIEL & TONI MURPHY
15-5-0471 SLJ | ATTY – EVANS |
| 4. VALENTIN & MARIA MARTINEZ
15-5-0862 SLJ | ATTY – ZERBINI |
| 5. HUMBERTO GARZA JR
15-5-1256 SLJ | ATTY – EVANS |
| 6. MARICEL MARTINEZ
15-5-1688 SLJ | ATTY – BROOKS |

The Court has determined that it is in the best interests of creditors and the estates to hold the Confirmation Hearings earlier than 21 days after the meetings of creditors. No objections to the earlier hearing have been filed; therefore, the following plans are either confirmed or placed on the Trustee's Pending List:

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH NO OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – July 28, 2015 at 9:55 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|----------------------------------------------|-----------------------|
| 7. STEPHANIE SANCHEZ
15-5-1780 SLJ | ATTY – MOORE |
| 8. MARCOS LOPEZ SR
15-5-1784 SLJ | ATTY – MOORE |
| 9. CHRISTOPHER & ANA JORDAN
15-5-1834 SLJ | ATTY – MEHR |
| 10. MALIKA CURRY
15-5-1852 SLJ | ATTY – MOORE |
| 11. DAVID & JULIA REVELES
15-5-1865 SLJ | ATTY – SADRI & KANDEL |

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – July 28, 2015 at 9:55 a.m.

From: 341 MEETING OF CREDITORS, July 13 & 15, 2015

TO BE PLACED ON TRUSTEE’S PENDING LIST:

12. COREY & ANGELA GRAY 15-5-1779 SLJ	ATTY – MOORE OBJECTION BY – TRUSTEE
13. EDMUND & COLLEEN ESTOLAS 15-5-1827 SLJ	ATTY – FULLER OBJECTION BY – TRUSTEE
14. RICARDO & ESTELITA GABRIEL 15-5-1835 SLJ	ATTY – FULLER OBJECTION BY – TRUSTEE
15. JOSE & STACEY INOCENCIO 15-5-1853 SLJ	ATTY – MOORE OBJECTION BY – TRUSTEE
16. HARINDER LIDDAR 15-5-1857 SLJ	ATTY – BOONE OBJECTION BY - TRUSTEE
17. LUCIA CAMACHO 15-5-1862 SLJ	ATTY – BHATNAGAR OBJECTION BY – TRUSTEE
18. GINA CAMBALIZA 15-5-1870 SLJ	ATTY – AHN OBJECTION BY – TRUSTEE

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Tuesday, July 28, 2015

Current as of 7/24/2015 at 11:21 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

10:00 AM **14-54801** Michelle Leyson

Ch 7

Trustee: Hjelmset

Moving: Brian H. Tran

Opposing:

Debtor or Plaintiff Attorney: Eric J. Gravel

Matter: **Motion for Relief from Stay RS #BHT-10841, Filed by Citibank, N.A. (34)**

1

10:00 AM **15-52111** Olivia Tuitahi

Ch 7

Trustee: Bowyer

Moving: Brian H. Tran

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Motion for Relief from Stay (Unlawful Detainer) RS #BHT-18122, Filed by Christiana Trust, a division of Wilmington Savings Fund Society, FSB (10)**

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**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Honorable Stephen L. Johnson
Tuesday, July 28, 2015**

Current as of 7/24/2015 at 11:22 AM

San Jose Courtroom 3099

**U.S. Courthouse and Federal Bldg.
280 S 1st Street
San Jose, CA 95113**

10:30 AM **10-55803** Daniel L. Lapin

Ch 13

Trustee: Derham-Burk

Moving: Parada K. Ornelas

Opposing:

Debtor or Plaintiff Attorney: Saman Taherian

Matter: [**Restored Motion for Relief from Stay RS #PK-125, Filed by HSBC Bank USA, N.A. \(94\)**](#)

1

10:30 AM **11-52207** Victoria Lynn Nolan

Ch 13

Trustee: Derham-Burk

Moving: Angie Marie Marth

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

Matter: [**Motion for Relief from Stay and Co-Debtor Stay RS #AMM-11, Filed by NATIONSTAR MORTGAGE \(109\)**](#)

2

10:30 AM **11-53646** Malik Salman and

Ch 13

Alda Fontes-Salman

Trustee: Derham-Burk

Moving: Jonathan Cahill

Opposing:

Debtor or Plaintiff Attorney: Richard T. Hilovsky

Matter: [**Motion for Relief from Stay RS #JCC-168, Filed by U.S. BANK N.A. \(57\)**](#)

3

10:30 AM **12-54897** Lisa Commisso
Ch 13
Trustee: Derham-Burk
Moving: Timothy J. Silverman
Opposing:
Debtor or Plaintiff Attorney: Lars T. Fuller

Matter: **a) Motion for Relief from Stay (3117 Heather Ridge Drive, San Jose, CA 95136) RS #TJS-1301, Filed by PennyMac Holdings, LLC (38)**

b) Opposition by Debtor (42)

Comment (fr 6/30, 7/21)

10:30 AM **13-56515** Rachel Banse
Ch 13
Trustee: Derham-Burk
Moving: Mark D. Estle
Opposing:
Debtor or Plaintiff Attorney: Victoria Maydanik

Matter: **Motion for Relief from Stay RS #MDE-1556, Filed by Toyota Motor Credit Corporation (16)**

10:30 AM **15-51129** Diana Zanfardino
Ch 13
Trustee: Derham-Burk
Moving: Diane V. Weifenbach
Opposing:
Debtor or Plaintiff Attorney: David S. Henshaw

Matter: **Motion for Relief From the Automatic Stay and Co-Debtor Stay (Personal Property) RS #DVW-001, Filed by Vanderbilt Mortgage and Finance, Inc. (20)**

10:30 AM **15-51952** Sherree Lynna Gray
Ch 13
Trustee: Derham-Burk
Moving: Julia Marie Adams
Opposing:
Debtor or Plaintiff Attorney: David A. Boone

Matter: **Motion for Relief from Stay property located at 140 Briar Ridge Drive, San Jose, CA 95132 RS #JMA-24, Filed by Aimco Briar Ridge, L.P. (16)**

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Tuesday, July 28, 2015

Current as of 7/24/2015 at 11:29 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

1:00 PM **14-05044**

Love v. Wiseman et al

† Ch 7

14-50843

Johnny Oliver Wiseman and Vicki Lynn Wiseman

Moving:

Opposing:

Matter: a) **Motion for Reconsideration, For A New Trial, And/OR to Vacate Decisions re Secured Status and Second Amended Adversary Complaint by Plaintiff (69) (fr 7/9)**

b) **Opposition by Defendant & Cross-Claimant, Trustee (80)**

c) **Case Management Conference RE: Second Amended Complaint (JURY TRIAL DEMANDED) (42) (fr 7/23)**

Atty for Pl - Pro Per

Atty for Def Marc Del Piero - Mariam Marshall

Atty for Def Johnny Oliver Wiseman - Pro Per

***Ans to 3rd Amd Comp fld. 8/5/14**

Atty for Def - Vicki Lynn Wiseman - Pro Per

***Ans to 3rd Amd Comp fld. 8/5/14**

Atty for Def Javea Corporation - Pro Per

Atty for John O. Wiseman and Vicki L. Wiseman Trustees of the Wiseman Family Trust 2002

Atty for Def - Mahdi Radwan - Pro Per

Comment

***Ntc of Dismissal fld. 10/16/14 re Surfside Enterprises, Inc. doc #35; Crossclaim dismissed 5/12/15 doc #77; Demand for Jury Trial denied per Order 11/13/14 doc #39**

1

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Wednesday, July 29, 2015

Current as of 7/24/2015 at 11:31 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

1:30 PM **13-51910** Aida L Merrill

Ch 7

Trustee: Poonja

Moving: Dennis D. Davis

Opposing:

Matter: **First & Final Application for Compensation for Fees: \$52,095.00 & Reimbursement of Expenses: \$4,873.38 Filed by Goldberg, Stinnett, Davis & Linchey, Counsel for Trustee (170)**

1

1:30 PM **14-54698** Ronald V. Austin and

Ch 7

Janice L. Austin

Trustee: Hjelmeset

Moving: Susan D. Silveira

Opposing:

Matter: **Application for Compensation of Fees: \$10,950.00 & Reimbursement of Expenses: \$42.03 Filed by Silveira Law Offices, Counsel for Debtor (43)**

2

Comment (fr 6/18)

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Wednesday, July 29, 2015

Current as of 7/24/2015 at 11:30 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

2:00 PM **04-57424** Rollie R. French, Inc.
Ch 11

Moving: John S. Wesolowski

Opposing: Robert G. Harris

Matter: a) **Motion to Convert Case to Chapter 7 Filed by Office of the U.S. Trustee/SJ (610)**

b) **Partial Objection by Debtor (621)**

c) **Motion to Pay Administrative Claims And Dismiss the Case for Cause by Debtor (616)**

2:00 PM **14-52094** Joseph R Galas and
Ch 11 Lori Jean Galas

Moving: Simran Kaur Singh

Opposing: Byron B. Mauss

Matter: a) **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF Motion to Use Cash Collateral Filed by Debtor (128)**

b) **Limited Objection of MUFG Union Bank (137)**

Comment *Cash Collat extended through 7/31 per Order of 5/29/15 doc #125

2:00 PM **14-52474** Ultiprf, LLC
Ch 11

Moving: Gregory A. Rougeau

Opposing:

Matter: **Motion to Dismiss Case Filed by Debtor (71)**

*Order shortening time/Need COS

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2:00 PM **14-53372** Gloria Castaneda
Ch 7
Trustee: Poonja

Moving: John S. Wesolowski

Opposing:

Matter: **Motion to Dismiss Case for Failure to Appear at Section 341(a) Meeting Filed by Office of the U.S. Trustee/SJ (45)**

4

2:00 PM **15-51137** Francisco Rodriguez
Ch 7
Trustee: Kaelin

Moving:

Opposing: James Jingming Cai

Matter: **Motion to Dismiss Case for Failure to Appear at Section 341(a) Meeting Filed by Office of the U.S. Trustee/SJ (9)**

5

2:00 PM **15-51218** Maria Patricia Mota-Sandoval
Ch 7
Trustee: Hjelmset

Moving: John S. Wesolowski

Opposing:

Matter: **Motion to Dismiss Case for failure to appear and testify at a Section 341 Meeting of Creditors Filed by Office of the U.S. Trustee/SJ (16)**

6

2:00 PM **15-51621** Patricia D. McConnell
Ch 11

Moving: Lars T. Fuller

Opposing:

Matter: **Motion for Waiver of DIP Account Filed by Debtor (38)**

7

2:00 PM **15-51770** Theta Microelectronics, Inc.
Ch 11

Moving: Michael St. James

Opposing: James L. Pagano

Matter: **a) Application for Order Authorizing Employment of Arnold & Porter LLP as Special Corporate Counsel Filed by Debtor (29)**

8

b) Objection by Mikes Sisois, Ph.D (34)

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Honorable Stephen L. Johnson
Wednesday, July 29, 2015**

Current as of 7/24/2015 at 11:35 AM

San Jose Courtroom 3099

**U.S. Courthouse and Federal Bldg.
280 S 1st Street
San Jose, CA 95113**

3:30 PM **15-51536** Rosalyn Marcelino
Ch 7
Trustee: Kaelin

Moving:

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Hearing Regarding Reaffirmation Agreement with California Republic Bank (14)**

Comment ***Objection to Discharge Due 8/10/2015**

1

3:30 PM **15-51904** Gilbert Jose Gonzalez
Ch 7
Trustee: Bowyer

Moving:

Opposing:

Debtor or Plaintiff Attorney: Deok J. Kim

Matter: **a) Hearing Regarding Reaffirmation Agreement with 21st Mortgage Corporation (10)**

b) Hearing Regarding Reaffirmation Agreement with Ford Motor Credit Company (11)

Comment ***Objection to Discharge Due 9/14/2015**

2

3:30 PM **15-51906** Tahereh Asadi
Ch 7
Trustee: Richardson

Moving:

Opposing:

Debtor or Plaintiff Attorney: Sara J. Lipowitz

Matter: **Hearing Regarding Reaffirmation Agreement with Toyota Motor Credit Corp. (6)**

Comment ***Objection to Discharge Due 9/8/2015**

3

3:30 PM 15-51971 Merna A Zabala
Ch 7
Trustee: Poonja

Moving:

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Hearing Regarding Reaffirmation Agreement with Santander Consumer USA Inc. (9)**

Comment *Objection to Discharge Due 9/14/2015

4

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Thursday, July 30, 2015

Current as of 7/24/2015 at 11:31 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

2:00 PM **15-05049** Chagolla et al v. JP Morgan Chase Bank, N.A.

† Ch 13

08-57523

Lucio Chagolla and Maria D Hernandez Murueta

Moving:

Opposing:

Matter: **Telephonic Case Management RE: Complaint to Determine Validity, Priority and Extent of Lien;
And for Declaratory Relief**

Atty for Pl - Leela Menon (408) 291-6000

***Clerk's Default entered 7/15/15**

2:00 PM **15-05046** AQH, LLC v. Kilday

† Ch 11

15-50553

AQH, LLC

Moving: Matthew Jon Olson

Opposing:

Matter: **Telephonic Case Management RE: Complaint for Violation of the Automatic Stay and Injunctive
Relief**

Atty for Pl - Matthew Olson (415) 362-0449

Atty for Def - James Bridgman (415) 296-9812

Answer fld 6/8/15

Comment ***Stipulated PI issued until Plan confirmation per order 6/19/15; Request for clerk's default
submitted 6/2/15**

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2

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Thursday, July 30, 2015

Current as of 7/24/2015 at 11:32 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

2:30 PM **08-05288** Graham v. Farsio

† Ch 7

08-53573 Ali Farsio

Moving:

Opposing:

Matter: Telephonic Case Management Conference Complaint to Determine Dischargeability of Debt

Atty for Pl - Aaron Aquino (702) 871-6464

Atty for Def - Daniel G. Herns (408) 223-2220

2:30 PM **15-05036** Howard v. PNC Bank National Association et al

† Ch 13

10-52527 Marsha Howard

Moving:

Opposing:

Matter: Telephonic Case Management RE: Complaint for Damages for Violation of the Automatic Stay; Breach of Contract: Accounting; Violation of Confirmed Plan; Improper Mortgage Accounting and Attorneys Fees

Atty for Pl - Cathleen Cooper Moran (650) 694-4700

Atty for Def - Peter J. Van Zandt (415) 391-7111

***Answer filed 5/26/15**

Comment (fr 5/28)

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2:30 PM 14-05022 Cardenas et al v. Luna Auto Sales et al

† Ch 7

11-58313

Eloy Cardenas and Matilde Cardenas

Moving: Ray D. Hacke

Opposing:

3

Matter: Telephonic Case Management RE: Complaint for Injunctive Relief/Recovery of Property, Actual Damages (Including Costs and Attorneys' Fees), and Punitive Damages Due to Willful Violation of Automatic Stay [11 U.S.C. § 362(k)(1)and Fed. R. Bankr. P. 7065]

Atty for Pl - James Cai (408) 436-0789

Atty for Def - Alexander H. Lubarsky (650) 347-7191

Comment *Pending submission of form of judgment consistent with Memorandum Decision of 6/26/15 doc #58

2:30 PM 15-05019

Poonja v. Truong

† Ch 7

13-50821

TWN Investment Group, LLC

Moving:

Opposing:

4

Matter: Telephonic Case Management RE: Complaint for (1) Avoidance of Unperfected Transfer; (2) Avoidance of Statutory Lien; (3) Voidance of Lien/Objection to Claim; (4) Disallowance of Claim; and (5) Enforcement of the Automatic Stay

Atty for Pl - Michael Gomez (559) 228-6700

Atty for Def - James Hand (510) 595-4200

*Answer fld 6/25/15

Comment (fr 3/26, 5/28, 6/25)

2:30 PM 14-05039

Bowyer v. Nguyen et al

† Ch 7

14-50354

Thuan-Vu Dinh Ho

Moving: Marlene G. Weinstein

Opposing:

5

Matter: Telephonic Case Management Conference re First Amended Complaint for Injunctive Relief, to Avoid Fraudulent Transfers, to Avoid Post-Petition Transfers, for an Accounting and Turnover of Property of the Estate and for Declaratory Relief (41)

Atty for Pl - Marlene G. Weinstein (925) 472-0800

Atty for Defs - Pro Per

*Ans. to First Amended Complaint filed by all Def's 7/16/14

Comment *SETTLEMENT ORDER 6/5/15 DOC #68

2:30 PM **15-05023** My International Fund, LLC v. Michael
† Ch 13
14-54605 William Michael

Moving:
Opposing:

Matter: Telephonic Case Management RE: Complaint to Determine Dischargeability and in Objection to Discharge (11 U.S.C. §§ 523(a)(2)(A), and 523(a)(4) JURY TRIAL DEMANDED

Atty for Pl - Ali Kamerei (408) 918-5393

Atty for Def - Cathay Ericksen (408) 287-7717
***Answer filed 3/30/15**

Comment (fr 4/30)

2:30 PM **14-05136** Yee v. US Department of Education Chela et al
† Ch 7
14-54638 Rebecca Lynn-Yee

Moving:
Opposing:

Matter: Telephonic Case Management RE: Complaint to Determine Dischargeability of Student Loans

Atty for Pl - Pro Per

Atty for ECMC (Great Lakes) - Miriam Hiser (408) 345-9234
***Answer fld 2/25/15**

Atty for Navient Solutions, Inc. (Sallie Mae) - Cheryl Rouse (415) 575-9444
***Answer fld 3/2/15**

Atty for Nat. Collegiate Student Loan Tr - Raymond Moats (614) 801-2767
***Answer fld 4/27/15**

Defs: William & Fudge, Purpose Advantage - no answers filed

Comment (cont fr 2/26, 3/26, 5/28) *Dismissed Defs: AES dismissed per stipulated order 5/28/15; CHELA, Firstmark, Dept Edu, SLC Trust dismissal order 6/8/15

2:30 PM **15-05033** McGee v. Great Lakes Higher Education Corporation et al
† Ch 7
14-55059 Pamela Quinn McGee

Moving:
Opposing:

Matter: Telephonic Case Management RE: Complaint to Determine Dischargeability of Student Loan 523(a)(8)

Atty for Pl - Judson Farley

Atty for ECMC - Mariam Hiser (415) 345-9234
***Answer fld 5/11/15**

Comment (fr 5/28)

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**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Thursday, July 30, 2015

Current as of 7/24/2015 at 9:59 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

3:00 PM **14-05063** Post Confirmation Committee v. Ragudo et al

† Ch 11

13-53054

A&C Health Care Services, Inc.

Moving: Alan J. Stomel

Opposing:

Matter: a) **Motion For Order Enforcing "Order Enforcing Order Following OSC Re Preliminary Injunction Violations" Filed by Post Confirmation Committee (106)**

b) **Objection by Amparo Ragudo, Carlos Ragudo (108)**

***Order shortening time**

c) **Pre-Trial Conference re First Amended Complaint FOR: (1) AVOIDANCE OF PREFERENTIAL TRANSFERS (Sec. 547) (2) AVOIDANCE OF FRAUDULENT TRANSFERS (Sec. 548(a)) (3) AVOIDANCE OF FRAUDULENT TRANSFERS (Cal. Civ. Code 3439) (4) ILLEGAL CORPORATE DISTRIBUTIONS (Cal. Corp. Code 500) (5) ILLEGAL CORPORATE DISTRIBUTIONS (Cal. Corp. Code 501) (6) AVOIDANCE OF POST PETITION TRANSFERS (Sec. 549) (7) TURNOVER (Sec. 542) (8) RECOVERY AGAINST TRANSFEREES (Sec. 550) (9) MONEY HAD AND RECEIVED (10) CONSTRUCTIVE TRUST (11) BREACH OF FIDUCIARY DUTIES (12) AIDING AND ABETTING BREACH OF FIDUCIARY DUTIES (13) CONVERSION (14) CONSTRUCTIVE FRAUD (15) RICO (16) FRAUD AND DECEIT (17) TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTIONS (38) ATTORNEYS FEES**

1